

FILED
IN COURT
CHARLOTTE, N. C.

MAR 31 2006

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISIONU. S. DISTRICT COURT
W. DIST. OF N. C.

MOTORSPORTS AUTHENTICS, LLC,
NATIONAL ASSOCIATION FOR STOCK CAR
AUTO RACING, INC., SPEEDWAY
MOTORSPORTS, INC., SPEEDWAY
PROPERTIES COMPANY, LLC,
INTERNATIONAL SPEEDWAY
CORPORATION, RCR ENTERPRISES, LLC,
ROUSH CORPORATION, JOE GIBBS
RACING, INC., HENDRICK MOTORSPORTS,
INC., JEFF GORDON, INC., RUSTY
WALLACE, INC., PENSKE RACING SOUTH,
INC., PENSKE RACING LLC, DALE
EARNHARDT, INC., EVERNHAM
MOTORSPORTS, L.L.C., ROBERT YATES
RACING, INC., MB2 MOTORSPORTS, LLC,
and OAKLEY, INC.,

Civil Action No. 3:06CV138-MU

Filed Under Seal

Plaintiffs,

v.

THOMAS COTTNE, et al.,

Defendants.

PRELIMINARY INJUNCTION AND ORDER OF SEIZURE

This Court issued on March 23, 2006, a Temporary Restraining Order, Order for Seizure of Counterfeit Marked Goods, and Order to Show Cause Re Preliminary Injunction ("TRO Seizure Order"). Plaintiffs served the TRO Seizure Order on four Defendants and attempted service on two others, and seized, pursuant to the terms of the TRO Seizure Order, approximately 866 items of counterfeit merchandise in possession of those Defendants. As ordered in the TRO Seizure Order, this matter came on for hearing on Friday, March 31, 2006, on Plaintiffs' application for a Preliminary Injunction and Order of Seizure. Plaintiffs appeared through counsel of record. There were no appearances on behalf of any Defendants in

opposition thereto, and no Defendant to date has answered, moved, or otherwise appeared or filed any papers regarding Plaintiffs' Verified Complaint or the TRO Seizure Order. Plaintiffs having demonstrated to the Court the need to continue the order of seizure previously granted, and a hearing on Plaintiffs' application having been conducted;

NOW, THEREFORE, based on the verified pleadings, declarations and other papers in the record, the Court makes the following findings of fact and conclusions of law.

1. Plaintiffs own or control each of the marks set forth in Exhibits 1 and 2 hereto ("Plaintiffs' Marks"). Plaintiffs' Marks are distinctive and are widely recognized by the public. Goods that bear any mark, word, or name identical or confusingly similar to any of Plaintiffs' Marks, without authorization from Plaintiffs, shall be known herein as the "Enjoined Goods."
2. All of Plaintiffs' Marks listed in Exhibit 1 are federally registered. All of Plaintiffs' Marks listed in Exhibit 2 are owned or controlled by Plaintiffs.
3. Plaintiffs have the exclusive right to apply and license others to apply Plaintiffs' Marks to goods and to use Plaintiffs' Marks in connection with rendering services.
4. Defendants are not licensed by Plaintiffs to use Plaintiffs' Marks.
5. It appears to this Court that Defendants are or will be present on the premises or within a ten-mile radius of racetracks where NASCAR Races shall be occurring, beginning April 2, 2006 -- including Bristol Motor Speedway, Texas Motor Speedway, Darlington Raceway, Lowe's Motor Speedway, Dover International Speedway, Pocono Raceway, Infineon Raceway, Chicagoland Speedway, New Hampshire International Speedway, Indianapolis Raceway Park, Indianapolis Motor Speedway, Atlanta Motor Speedway, Daytona International Speedway, California Speedway, Martinsville Speedway, Phoenix International

Speedway, Talladega Superspeedway, Darlington Raceway, Richmond International Raceway, Michigan International Speedway, Watkins Glen International, Kansas Speedway and Homestead-Miami Speedway (collectively, “the Racetracks”) – for the purpose of manufacturing, distributing, offering for sale, and selling Enjoined Goods.

6. The Enjoined Goods include goods bearing “counterfeit marks” within the meaning of 15 U.S.C. § 1116(d).

7. The sale of Enjoined Goods would cause confusion or mistake or be likely to deceive and would constitute trademark infringement under 15 U.S.C. § 1114.

8. Distribution, sale, or offering the sale of Enjoined Goods would constitute false designation of origin under 15 U.S.C. § 1125(a).

9. Under 15 U.S.C. § 1116(a), this Court has the power to enjoin trademark infringement under 15 U.S.C. §§ 1114 and 1125(a).

10. This Court has the power to grant an *ex parte* seizure order for goods bearing counterfeits of federally registered trademarks and service marks. 15 U.S.C. § 1116(d).

11. This Court has the power under Rule 65 of the Federal Rules of Civil Procedure, and under the All Writs Act, 28 U.S.C. § 1651, to grant an *ex parte* seizure order for goods that are infringing but not counterfeits within the meaning of 15 U.S.C. § 1116(d).

12. No order other than an *ex parte* seizure order would adequately achieve the objectives of the Lanham Act, 15 U.S.C. §§ 1114, 1116 and 1125(a).

13. Plaintiffs are likely to succeed in showing that Defendants have used and, unless enjoined, will continue to use counterfeit or infringing marks in connection with the sale, offering for sale or distribution of goods or services.

14. Notice of this Application need not be given to Defendants prior to *ex parte* hearing because: (a) the identities and whereabouts of many of the Defendants are currently unknown; (b) many of the Defendants have no business identity or stable place of business before or after the NASCAR Races and cannot be identified; and (c) Defendants who can be located and identified, if notified, likely will cause the immediate concealment or destruction of the Enjoined Goods or removal of the Enjoined Goods outside the access of this Court.

15. Plaintiffs will suffer immediate and irreparable injury and will have no adequate remedy at law if this Court declines to grant an *ex parte* seizure order.

16. The Enjoined Goods and other materials subject to this Seizure Order likely will emanate from this district and will be located on the premises or within a ten-mile radius of the racetracks where NASCAR Races shall be occurring, beginning April 2, 2006, as reflected in Exhibit 3 hereto.

17. The harm to Plaintiffs should this Court not grant the requested Seizure Order clearly outweighs any harm which the Defendants might incur if the Seizure Order is granted.

18. Plaintiffs have not publicized the requested seizure.

19. Plaintiffs have given reasonable notice of this Application to the United States Attorney for this District.

20. The file of this case has been sealed as required by 15 U.S.C. § 1116(d)(8).

21. Plaintiffs have complied with all statutory requirements for the issuance of an *Ex Parte* Seizure Order.

It is accordingly ORDERED and ADJUDGED that:

1. The Defendants, including the Defendants already served and various John and Jane Does and various XYZ Corporations, along with their partners, associates, agents, servants, employees, representatives, and assigns, and all others under their control or in active concert or participation with them, and all other persons and entities having actual knowledge hereof be, and the same hereby are, ENJOINED and RESTRAINED from:

(a) Manufacturing, assembling, selling, offering for sale, distributing, or offering to distribute any Enjoined Goods which have not been authorized by Plaintiffs and which bear any of the trademarks and service marks of Plaintiffs set forth in Exhibits 1 and 2 hereto or any marks confusingly similar thereto;

(b) Representing by any method whatsoever that the Enjoined Goods were sponsored, manufactured, sold, or licensed by Plaintiffs; and

(c) Otherwise taking any action likely to cause confusion, mistake, or deception on the part of the public as to the origin of the Enjoined Goods.

2. Any federal, state, or local law enforcement officer, and/or Plaintiffs, and/or Plaintiffs' duly authorized trademark enforcement team, and/or all persons acting under the supervision and control thereof (collectively "Enforcement Officials") are hereby authorized and directed to seize and maintain in their custody and control any and all Enjoined Goods and counterfeit marks, and the means of making them, and records documenting the manufacture, sale or receipt of things relating thereto, in the possession, dominion, or control of Defendants, their agents or persons acting in concert or participation with them, including all such Enjoined Goods and counterfeit marks located in or on any containers, vessels, storage areas or motor vehicles, and all Enforcement Officials acting hereunder are further authorized, based on

probable cause, to enter into and upon, any such containers, vessels, storage areas or motor vehicles for the purpose of seizing any and all such Enjoined Goods and counterfeit marks contained therein.

3. Enforcement Officials may employ whatever reasonable force is necessary to open, enter, and inspect the contents of any such containers, vessels, storage areas, or motor vehicles – regardless of whether said containers, vessels, storage areas, or motor vehicles are locked or unlocked or occupied or unoccupied – and are authorized to detain said containers, vessels, storage areas, or motor vehicles if necessary to accomplish such seizure of the Enjoined Goods.

4. No Enforcement Official may open, enter into and upon, inspect the contents of, or, if necessary, detain, any container, vessel, storage areas, or motor vehicle unless s/he does so under the supervision of a sworn law enforcement officer.

5. Enforcement Officials acting hereunder are authorized and directed to carry out the foregoing on the premises or within a ten-mile radius of any ISC racetrack where a NASCAR race shall be occurring at any time during the duration of this Order, including as indicated in Exhibit 3 hereto, from forty-eight (48) hours before each qualifying race begins until twenty-four (24) hours following the completion of each main event race.

6. All Enjoined Goods, all means of making such Enjoined Goods, all records, and any other materials seized hereunder shall be delivered up to the care and custody of Plaintiffs or Plaintiffs' attorneys. The seized goods shall be kept in identifiable containers. If the Defendants from whom such merchandise is seized do not move for relief in accordance with this Order within sixty (60) days of said seizure, said merchandise shall be delivered up to Plaintiffs for destruction or other disposition.

7. Simultaneously with said seizure, or as soon thereafter as is practical under the circumstances, each Defendant shall be served with a copy of (i) this Order, including the notice in the form of Exhibit 4 attached hereto, and (ii) a Summons and the Verified Complaint in this action.

8. Defendants shall cooperate with the Enforcement Officials executing such seizure hereunder and shall provide the items sought to be seized wherever such items are maintained.

9. Defendants are hereby required to provide the persons executing this Order with correct names, residential and business addresses and telephone numbers, and other identifying information.

10. Anyone interfering with the execution of this Order is subject to arrest by law enforcement officials.

11. Any Defendant who is hereafter served with a copy of this Preliminary Injunction Order and Seizure Order who objects to the provisions hereof may submit his or her objections to this Court or otherwise move for relief from this Court according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

12. The Injunction Bond posted by Plaintiffs on March 24, 2006, in the amount of \$5,000, shall remain in full force and effect throughout the duration of this Order.

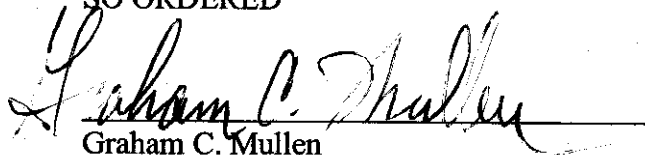
13. This Order shall expire thirty-six (36) hours after the final NASCAR Race listed in Exhibit 3 hereto.

14. This Order or copies hereof may be served by any person over the age of 18 years who is not a party to this action.

15. All persons who become aware of this action and Order are ORDERED not to reveal the existence of this action or Order to any other person, except that persons authorized to enforce this Order may reveal its existence and contents to the extent necessary to carry out their official duties, and Defendants may confer with their attorneys concerning this action.

Dated: March 31, 2006

SO ORDERED

A handwritten signature in black ink, appearing to read "Graham C. Mullen", is written over a horizontal line.

Graham C. Mullen
United States District Judge

EXHIBIT 1
(Corrected)
REGISTERED MOTORSPORTS AUTHENTICS MARKS

Trademark	Reg. Date	Reg. #	Classes
(Stylized) A & FLAG Design	11/28/00	2,407,814	25
ACTION (BAR LOGO)	10/20/98	2,197,251	28
(Stylized) ACTION & FLAG Design	6/19/01	2,460,787	25
(Stylized) ACTION & FLAG Design	5/16/00	2,349,860	28
ACTION INTERACTIVE	2/15/00	2,319,034	35
ACTION RACING COLLECTABLES	7/8/03	2,734,404	28
ACTION RACING COLLECTABLES PLATINUM SERIES	10/13/98	2,194,882	28
AP	8/8/00	2,374,784	28
AP & Design	3/20/01	2,437,178	28
(Stylized) C FLAG Design	11/4/97	2,110,629	25
CHASE AUTHENTICS	12/30/97	2,126,349	25
CHASE RACEWEAR	2/10/98	2,136,155	25
COMPETITORS VIEW	2/24/98	2,139,738	25
GO RACING	6/12/01	2,458,888	41
GORACING.COM	12/9/03	2,790,386	35
GORACING.COM	7/23/02	2,597,840	28
GORACING.COM	10/29/02	2,642,412	16
MINICHAMPS	8/1/95	1,908,633	28
RCCA	12/24/02	2,666,030	16
RCCA	10/22/02	2,639,189	28
RCCA SELECTNET	8/8/00	2,374,787	28
REVELL/ REVELL COLLECTION	10/1/85	1,363,578	28
SPEEDMALL	2/8/05	2,924,584	35
SPORTS IMAGE	8/3/93	1,785,198	25
TEAM CALIBER	1/16/01	2,421,505	28
TEAM CALIBER	1/30/01	2,425,271	28
TEAM CALIBER DIE CAST & FLAG Design	7/3/01	2,465,422	28
WINNER'S CIRCLE	11/18/97	2,114,796	28
WINNER'S CIRCLE & Design	11/29/05	3,020,814	24,25

REGISTERED NASCAR MARKS

Trademark	Reg. Date	Reg. No.	Classes
Crew Chief Club & Design	06/26/01	2,464,093	16 25 41
GRAND AMERICAN	06/15/71	915,277	41
GRAND AMERICAN	06/17/80	1,137,042	41
GRAND AMERICAN ROAD RACING	09/09/03	2,762,082	9
GRAND AMERICAN ROAD RACING & Design	09/24/02	2,622,745	16
GRAND AMERICAN ROAD RACING & Design	04/06/04	2,829,531	16
GRAND AMERICAN ROAD RACING & Design	09/11/01	2,488,947	25
GRAND AMERICAN ROAD RACING & Design	08/14/01	2,478,556	41
GRAND AMERICAN ROAD RACING ASSOCIATION	10/29/02	2,643,423	41 42
GRAND NATIONAL	10/21/01	2,494,522	25
GRAND NATIONAL	06/08/71	914,501	42
How Bad Have You Got It?	12/17/02	2,664,304	25
Inside NASCAR	08/14/01	2,478,280	16 25
NASCAR Stylized "N"	11/01/05	3,011,506	35
NASCAR	08/01/95	1,908,112	06 09 12 14 16 18 21 24 25 27 28 30
NASCAR	07/22/97	2,082,197	42
NASCAR – Everything Else is Just a Game	05/07/96	1,973,218	41
National Association for Stock Car Auto Racing	10/25/94	1,860,041	41
NASCAR & Design	08/23/94	1,850,527	06 09 14 16 18 21 24 25 28 30 34
NASCAR & Design	12/07/76	1,054,100	41 42
NASCAR & Design	07/29/97	2,084,678	42
NASCAR & Design	08/13/74	0,990,987	41 42
NASCAR & Design	10/04/05	3,004,522	31
NASCAR ACCELERATION	12/06/05	3,024,814	41
NASCAR ADRENALINE	05/31/05	2,958,719	9
NASCAR BREAK ZONE & Design	01/24/06	3,051,781	35

Trademark	Reg. Date	Reg. #	Classes
NASCAR Café & Design	08/31/99	2,273,535	06 14 18 20 21 25 28 42
NASCAR Café	07/29/97	2,084,779	42
NASCAR.COM & Design	11/09/04	2,901,873	35
NASCAR.COM & Design	11/09/04	2,901,874	41
NASCAR.COM SUPERSTORE & Design	08/03/04	2,869,075	35
NASCAR Country	11/09/99	2,291,346	25 41
NASCAR DAY & Design	02/15/05	2,927,068	36
NASCAR – EVERYTHING ELSE IS JUST A GAME	05/07/96	1,973,218	41
NASCAR EXPRESS CUISINE & Design	02/21/06	3,061,265	35
NASCAR FAN SHOP & Design	09/07/04	2,881,007	35
NASCAR Garage (stylized) & Design	06/13/00	2,358,321	16 25 41
NASCAR IN CAR	03/11/03	2,695,418	38
NASCAR IN CAR & Design	05/31/05	2,958,576	38
NASCAR INSIDER	09/20/05	2,998,338	16
NASCAR INTERNATIONAL & Design	09/21/04	2,885,737	25
NASCAR International & Design	08/28/73	0,967,256	20
NASCAR International & Design	10/25/66	0,817,533	42
NASCAR LIBRARY COLLECTION & Design	07/26/05	2,976,180	16
NASCAR Live & Design	04/04/95	1,887,529	41
NASCAR NATION & Design	09/13/05	2,995,356	41
NASCAR OFFICIAL MEMBER & Design	08/17/04	2,873,615	16 200
NASCAR PERFORMANCE & Design	05/18/04	2,842,756	16
NASCAR PERFORMANCE & Design	05/18/04	2,842,757	41
NASCAR PERFORMANCE NETWORK & Design	08/30/05 06/07/05	2,989,007 2,959,041	25 35
NASCAR Racers	12/11/01	2,518,303	28
NASCAR Racers & Design	12/18/01	2,520,881	41
NASCAR RACERS & Design		2,810,889	9
NASCAR RACERS & Design	04/02/02	2,556,756	16
NASCAR Revolution &	05/09/00	2,348,513	09

Trademark	Reg. Date	Reg. No.	Classes
Design			
NASCAR Rocks	01/16/01	2,422,002	41
NASCAR Rocks America & Design	01/16/01	2,422,058	09 16 25 28 41
NASCAR Silicon Motor Speedway & Design	05/22/01	2,453,439	25 41
NASCAR Speedpark & Design	06/29/99	2,258,155	08 20 21 26
NASCAR SPEEDPARK & Design	01/06/04	2,801,652	25 41
NASCAR SPEEDPARK & Checkered Flag Design	11/09/04	2,901,876	41
NASCAR THUNDER THE OFFICIAL STORE OF NASCAR & Flag/Thunderbolt Design	10/09/01	2,495,254	25 28
NASCAR THUNDER THE OFFICIAL STORE OF NASCAR & Car/Thunderbolt Design	10/02/01	2,493,759	25 28 35
NASCAR THUNDER THE OFFICIAL STORE OF NASCAR & Car/Thunderbolt Design	09/25/01	2,491,670	25 28 35
NASCAR TIMELESS	05/31/05	2,958,713	41
NASCAR Today & Design	04/04/95	1,887,528	41
NASCARTOON RACING	10/04/05	3,005,152	41
NASCARTOON RACING & Design	12/06/05	3,024,661	41
NASCAR Transcon Series	04/30/96	1,971,730	41
NASCAR Trucks & Design	01/19/01	2,420,020	12 25
NASCAR TV & Design		2,881,008	38
NASCAR Winter Heat	12/31/96	2,026,304	41
NASKART		2,333,441	25
NASKART	10/15/02	2,635,539	12 25
NASKIDS	05/19/98	2,159,220	25 41
NATIONAL ASSOCIATION FOR STOCK CAR AUTO	10/25/94	1,860,041	41

Trademark	Reg. Date	Reg. #	Classes
RACING			
ON TRACK FOR CHARITY & Design	01/24/06	3,047,294	36
The Sight, Sound Emotion of NASCAR	12/02/03	2,788,562	9 41
RACE TO THE CHASE	01/24/06	3,051,718	41
THE CHASE	12/06/05 11/08/05	3,024,807 3,014,033	16 41
THEY'RE ON THEIR WAY	09/27/05	3,002,921	35
TURN4	01/23/01	2,424,045	1
WE'VE GOT SOMETHING TO PROVE	06/07/05	2,961,419	35
WHERE FAMILY FUN IS MEASURED IN "SMILES" PER HOUR	01/02/01	2,417,856	25 41

REGISTERED SMI MARKS

Trademark	Reg. Date	Reg. #	Classes
FANS FIRST	8/9/05	2,982,614	35

REGISTERED SPC MARKS

Trademark	Reg. Date	Reg. #	Classes
ATLANTA MOTOR SPEEDWAY	6/25/96	1,981,905	21, 25, 41
ATLANTA MOTOR SPEEDWAY and Design	10/13/92	1,723,906	25, 41
BRISTOL MOTOR SPEEDWAY	11/27/01	2,511,312	06, 08, 14, 16, 20, 21, 24, 25, 28
CHARLOTTE MOTOR SPEEDWAY	12/13/83	1,261,202	41
LAS VEGAS MOTOR SPEEDWAY	10/3/00	2,390,864	41

LUG NUT	5/7/96	1,972,391	25, 41
LUG NUT and Design	10/3/95	1,923,808	25, 41
LUG NUT and Design	12/26/95	1,943,831	25, 41
Miscellaneous Design (racing car and broken circle)	1/17/84	1,264,512	41
Miscellaneous Design (spark plug cowboy)	2/22/00	2,320,424	41
SEARS POINT RACEWAY	10/5/99	2,282,494	41
SEARS POINT RACEWAY and Design	10/5/99	2,282,495	41
SPARKY	12/7/99	2,297,669	41
SPEEDWAY MOTORSPORTS	10/19/04	2,894,951	41
TEXAS MOTOR SPEEDWAY	7/30/02	2,603,024	06, 14, 16, 20, 21, 24, 25, 28, 41
THE GREAT AMERICAN SPEEDWAY (Stylized)	5/10/05	2,947,200	41
TMS	6/27/00	2,363,334	25, 41

REGISTERED ISC MARKS

Trademark	Reg. Date	Reg. #	CLASS
1-800-PITSHOP.COM	08/29/03	2,744,402	35
1-800-PITSHOP.COM & Design		2,823,917	35
(2) Design Only	04/10/01	2,442,989	06 21 25 27 41
(2) Design Only	01/21/97	2,032,769	25
24 Hours of Daytona	10/19/76	1,050,968	41
Acceleration Alley	06/10/03	2,725,363	41
Americrown & Design	07/04/95	1,903,166	42
Americrown Service Corporation & Design	07/11/95	1,904,773	42
CALIFORNIA 500	07/16/02	2,594,484	41

Trademark	Reg. Date	Reg. No.	Class
CENTENNIAL OF SPEED	07/29/03	2,744,624	9
CENTENNIAL OF SPEED	07/29/03	2,744,621	16
CENTENNIAL OF SPEED	07/29/03	2,744,623	25
CENTENNIAL OF SPEED	07/29/03	2,744,619	28
CENTENNIAL OF SPEED	07/29/03	2,744,622	41
CENTENNIAL OF SPEED & Design	07/29/03	2,744,620	41
CHICAGOLAND SPEEDWAY	11/25/03	2,785,199	6,12,14,16,20,21,24,25,28,34
	09/10/02	2,616,096	41
CHICAGOLAND SPEEDWAY & Design	12/16/03	2,793,390	6,12,14,16,20,21,24,25,28,34
	01/21/03	2,675,809	41
Copper World Classic	05/20/97	2,062,689	25 41
Darlington	02/07/95	1,877,389	6 21 25 28 34 41
Darlington Raceway	10/12/82	1,212,760	41
Darlington Too Tough to Tame & Design	01/12/99	2,217,013	16 21 24 25 28
Daytona	09/08/00	2,383,487	9
Daytona	07/13/04	2,861,844	25
Daytona	03/11/97	2,042,836	42
Daytona	04/29/97	2,056,613	30
Daytona	03/22/94	1,827,196	06 16 18 20 21 24 25 28 34 41
Daytona	02/22/83	1,228,337	09
Daytona & Design	06/30/87	1,445,066	14 25 26 41
Daytona & Design	11/08/94	1,861,606	06 16 20 21 24 28 30 34
Daytona & Design	07/18/00	2,368,947	03
Daytona & Design	03/11/97	2,042,834	42
DAYTONA (Stylized) & Design	04/09/96	1,966,058	9
Daytona 200	10/19/76	1,050,970	41
Daytona 500	07/24/73	964,900	41
Daytona 500	03/22/94	1,827,197	06 21 25 28 34
DAYTONA & Flags Design		2,524,170	9
Daytona at the Speed of Light & Design	08/28/01	2,481,362	41
	04/23/02	2,564,163	25
	04/30/03	2,564,164	14
		2,565,725	14
Daytona Club & Design	08/28/01	2,481,304	41
Daytona Dream Laps	07/29/03	2,743,655	41
Daytona International	06/11/74	986,222	41

Trademark	Reg. No.	Reg. #	Class
Speedway			
Daytona International Speedway	02/01/94	1,819,018	25 28 34
Daytona International Speedway & Design	03/29/83	1,232,848	25
DAYTONA MOTORCYCLE MARKETPLACE & Design	01/31/06	3,056,539	35
Daytona Pit Shop	06/20/95	1,901,330	42
DAYTONA PROTOTYPES		2,887,110	41
Daytona Speedwear	11/01/94	1,861,408	25
Daytona Speedweeks	01/24/95	1,875,314	25 41
Daytona USA	02/22/94	1,822,849	25 41
Daytona USA & Track Design	10/21/97	2,103,981	41
DAYTONA USA GEARED FOR LEARNING & Design	11/05/02	2,646,171	41
Daytona USA the Ultimate Motorsports Attraction & Design	12/02/97	2,117,720	41
FANS "R" 1 ST @ DAYTONA & Design	10/18/05	3,007,347	41
FINGER LAKES WINE FESTIVAL & Design	06/07/05 06/28/05	2,961,398 2,964,420	16 25
Flags Design	04/10/01	2,442,989	06 21 25 27 41
Furled Flag Design	04/15/86	1,389,976	25 26
Gallery of Legends Book	08/20/96	1,995,239	16
Grand Prix of Miami	06/23/92	1,696,558	41
GREAT AMERICAN RACE		1,738,576	35 41
Homestead Miami Speedway & Design	09/04/01	2,486,905	6 9 21 25 28 41
INTERNATIONAL SPEEDWAY RACE REWARDS & Design	08/16/05	2,985,903	35
ISC & Design	03/11/03	2,695,649	16
ISC A Motorsports Entertainment Company & Design	05/04/99	2,243,245	16 41
Kansas Speedway & Design	09/03/02 02/12/02	2,615,647 2,538,612	6 9 34 41 21 25 28
LAPS	02/01/05	2,924,003	35
M Michigan International Speedway & Design	05/01/00	1,593,801	06 14 16 21 24 25 41
MARTINSVILLE SPEEDWAY	12/27/05	3,035,393	41

Trademark	Reg. Date	Reg. No.	Classes
MARTINSVILLE SPEEDWAY & Design	09/26/95	1,922,553	41
MIAMI GRAND PRIX & Design	03/12/85	1,325,204	41
Michigan 500	09/03/85	1,358,507	41
Michigan International Speedway	08/20/85	1,355,877	41
Michigan International Speedway & Design	09/02/03	2,759,346	6
	10/28/03	2,778,171	9
	09/02/03	2,759,347	14
	09/02/03	2,759,348	16
	12/02/03	2,789,131	18
	09/02/03	2,759,350	20
	09/02/03	2,759,349	21
	09/02/03	2,759,360	25
	10/28/09	2,778,174	28
	01/13/04	2,805,216	41
MIS	07/09/85	1,348,660	41
MRN	08/20/02	2,609,483	41
MOTORSPORTS IMAGES AND ARCHIVES & Design	06/07/05	2,959,615	40
	06/07/05	2,959,616	41
	04/26/05	2,943,786	42
Nazareth Speedway	11/05/96	2,013,023	41
Nazareth Speedway & Design		2,735,318	41
Nazareth Speedway & Design		2,626,466	25
P Pennsylvania International Raceway & Design	06/20/89	1,544,520	25 41
Pennsylvania International Raceway	04/11/89	1,534,870	25 41
Phoenix International Raceway	02/21/95	1,879,804	25 41
Phoenix International Raceway		1,873,902	25 41
Phoenix International Raceway & Design	10/02/01	2,494,674	9 21 25 28 34 41
PITNOTE PRESS & Design	01/10/06	3,041,212	16
RACINGONE.COM	03/19/02	2,549,934	41

Trademark	Reg. Date	Reg. No.	Class
RACING ONLY TWISTED & Design	02/07/06	3,057,539	41
RACING PERFECTION	10/11/05	3,006,627	6
	10/11/05	3,006,629	16
	10/25/05	3,009,637	21
	10/25/05	3,009,638	25
	10/25/05	3,009,621	41
RICHMOND INTERNATIONAL RACEWAY	06/11/02	2,577,831	25
	02/11/03	2,685,368	41
Richmond International Raceway & Design	07/29/03	2,743,159	6
	10/21/03	2,776,188	9
	07/23/02	2,813,412	12
	11/11/02	2,599,136	14
	10/22/02	2,782,391	16
	03/18/03	2,640,622	18
	07/23/02	2,698,398	20
	07/23/02	2,599,140	21
	08/05/03	2,599,139	25
	08/19/03	2,747,930	28
		2,753,703	41
RICHMOND RACEWAY COMPLEX & Design	07/29/03	2,743,167	41
RIR Richmond International Raceway & Design	01/02/90	1,575,629	41
Southern 500	09/22/81	1,170,618	41
Speediatrics	07/08/02	2,528,102	16 25 36 42
SPEEDPLEX	03/25/03	2,701,018	36
Speedweeks	01/31/95	1,876,696	25 41
SUMMER SPEEDWEEK	07/06/04	2,861,015	41
Talladega	02/08/94	1,819,675	25 41
TALLADEGA SERIES	06/18/96	1,980,408	12
	07/09/02	2,590,314	12
TALLADEGA SERIES WIDE RIDE	07/09/02	2,590,313	12
Talladega Superspeedway	02/15/94	1,821,392	21 25 28 41
Talladega Superspeedway & Design	07/17/01	2,470,093	28
Talladega Superspeedway & Design	07/17/01	2,470,639	6 9 21 25 34 41

Trademark	Reg. Date	Reg. #	Classes
The Action Track	08/11/92	1,707,301	41
The California Speedway	07/07/98	2,172,042	41
The Glen	10/31/95	1,930,399	25
The Glen	10/23/01	2,500,410	41
THE GREAT AMERICAN RACE	10/19/04	2,894,279	41
	05/17/05	2,950,870	
THE LADY IN BLACK	12/27/05	3,035,437	41
Too Tough to Tame	12/09/86	1,419,948	14 16 20 25 26 41
Too Tough to Tame	02/22/94	1,822,316	06 21
Tornado Alley	10/08/02	2,633,597	30
TRACKSIDE SCRAPBOOK & Design		2,848,997	9 16
Truxpo Truck Tour & Design	06/26/01	2,464,636	16 21 25 41
Vehicle Design (Bluebird V)	01/21/97	2,032,769	25
Velocitorium	08/24/99	2,272,557	41
Watkins Glen	09/20/94	1,854,609	16 24 25 28 41
Watkins Glen & Design	01/03/95	1,871,381	25 28
Watkins Glen & Design	04/30/85	1,333,697	41
Watkins Glen International	11/08/94	1,862,034	41
Watkins Glen International	10/22/85	1,366,768	25 26
Watkins Glen New York's Thunder Road & Design	10/01/02	2,628,580	16 25 28 41
World Center of Racing	09/25/84	1,298,117	41
World Center of Racing	02/22/94	1,822,848	25

REGISTERED RCR MARKS

Trademark	Reg. Date	Reg. #	Classes
3 (Stylized)	07/23/96	1,988,137	6 8 9 14 16 18 20 21 24 25 28 41
29 (Stylized)	01/13/04	2,804,708	6 8 9 11 12 14 16 18 20 21 24 25 26 28 34 41
29 (Stylized)	12/30/03	2,801,381	9
29 (Stylized)	10/11/05	3,006,336	21
29 (Stylized)	12/30/03	2,801,382	24
29 (Stylized)	04/26/05	2,944,765	25

RCR and Design	09/03/96	1,998,337	21
RCR and Design	08/13/96	1,993,627	28
RCR and Design	09/17/96	2,000,747	6 8 14 16 25 41

REGISTERED ROUSH MARKS

Trademark	Reg. Date	Reg. #	Classes
Stylized Number "6" (Round Edges)	12/17/02	2,662,012	6 9 14 16 18 20 21 24 25 28 41
Stylized Number "16"	06/09/98	2,163,088	6 9 14 16 20 21 25 26 28
Roush and Design	07/07/98	2,170,653	7 12
Stylized Number "60"	09/15/98	2,188,704	9 14 16 18 20 21 25 26 28
J.R.'s Garage	11/02/99	2,289,735	16 24 25 28 35
J.R.'s Garage Logo	09/14/99	2,276,964	16 24 25 28 35
Stylized Number "99"	10/05/99	2,282,413	6 9 14 16 20 21 26
Stylized Number "99"	03/16/04	2,822,020	6 9 14 16 18 20 21 24 28 41
Roush Racing	08/31/99	2,273,302	35 42
Stylized Number "97"	07/11/00	2,365,599	6 8 9 14 16 18 20 21 25 26 28
Stylized Number "50"	08/28/01	2,481,134	16 21
Stylized "6" (Jagged Edges)	03/14/00	2,327,805	9, 14, 16, 18, 20, 21, 26
Stylized "6" (Jagged Edges)	04/23/02	2,563,088	25
Stylized "60" (Round Edges)	03/05/02	2,544,774	16, 20, 24, 25, 28
ROUSH RACING and Design	04/24/01	2,446,201	35, 42
WHITE KNUCKLE	12/26/00	2,416,519	28
WHITE KNUCKLE RACING and Design	06/26/01	2,464,427	28

REGISTERED JGR MARKS

Trademark	Reg. Date	Reg. #	Classes
Joe Gibbs Racing	11/28/00	2,408,260	6 9 16 19 20 21 24 25 35

Joe Gibbs Racing (design)	8/30/94	1,851,538	25, 41
Stylized Number "18"	11/28/00	2,408,256	6 9 10 14 16 18 19 20 21 24 25 27 28 41
Stylized Number "20"	11/28/00	2,408,275	6 9 10 14 16 18 19 20 21 24 25 27 28 41
Tony Stewart ¹	5/29/01	2,454,637	6 9 10 14 16 18 19 20 21 24 25 27 28 41

¹ Licensed from Tony Stewart

REGISTERED HMI MARKS

Trademark	Reg. Date	Reg. #	Classes
Stylized Number "5"	8/8/00	2,374,202	41
Stylized Number "5"	12/7/99	2,297,205	5 6 9 10 12 14 16 18 20 21 24 25 26 28 35 41
Stylized Number "24"	12/2/97	2,117,341	5 6 8 9 10 11 12 14 16 18 20 21 24 25 26 27 28 34 35 41
Stylized Number "24"	1/5/99	2,216,496	41
Stylized Number "25"	12/30/97	2,124,794	6 9 10 12 14 16 18 20 21 24 25 26 28 34 35 41
Stylized Number "25"	1/5/99	2,216,494	41
Stylized Number "48"	11/30/04	2,906,149	6 9 12 14 16 18 19 20 21 24 25 26 28 35 41
Hendrick Motorsports	9/9/97	2,094,282	6 14 16 20 25 26 28 35 41
Terry Labonte ¹	9/28/99	2,280,390	6 8 9 10 11 12 13 14 16 18 20 21 24 25 26 28 41
Brian Vickers ²	10/12/04	2,893,388	16 41
Brian Vickers Signature ²	8/3/04	2,869,705	16 25 41
Jimmie Johnson Signature ³	1/7/03	2,672,802	41

¹ Licensed from Terry Labonte, Inc.

² Licensed from Brian Vickers, LLC

³ Licensed from Jimmie Johnson Racing, Inc.

REGISTERED JGI MARKS

Trademark	Reg. Date	Reg. #	Classes
Jeff Gordon	3/26/96	1,964,012	6 9 14 16 21 25 28 41
Gordon	6/11/02	2,579,120	16 41

Jeff Gordon Signature	1/10/06	3,040,770	6 9 14 16 21 25 28 41
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REGISTERED RWI MARKS

Trademark	Reg. Date	Reg. #	Classes
Rusty Wallace	5/28/96	1,976,546	9 14 16 20 21 24 25 27 28
Rusty Wallace (stylized)	12/12/95	1,940,836	9 14 16 20 21 24 25 27 28

REGISTERED PRS MARKS

Trademark	Reg. Date	Reg. #	Classes
Stylized Number "2"	9/2/97	2,092,866	9 14 16 20 21 24 25 27 28
Penske Racing & Design	07/02/74	987,507	35 37 42
Stylized Number "12"	04/01/03	2,701,716	6 9 12 14 16 20 21 24 25 26 28 41
	09/28/04	2,888,413	25
Ryan Newman ¹	3/27/01	2,438,603	41

¹ Licensed from Ryan J. Newman

REGISTERED DEI MARKS

Trademark	Reg. Date	Reg. #	Classes
DALE EARNHARDT ¹	5/14/91	1,644,237	6, 8, 16, 25, 26, 28, 41
DALE EARNHARDT (Signature) ¹	2/4/97	2,035,107	6, 8, 14, 16, 21, 24, 25, 28, 41
DALE EARNHARDT JR. ¹	1/14/03	2,673,722	5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 41
DALE EARNHARDT JR (Stylized) ¹	1/14/03	2,673,723	5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 41
SUNDAY MONEY ¹	4/6/04	2,830,257	16, 28
INTIMIDATOR ²	11/2/04	2,898,417	6
THE INTIMIDATOR ¹	9/2/97	2,092,602	24, 25
1 (Block Letter)	10/1/02	2,628,500	6, 8, 9, 14, 16, 18, 20, 21, 24, 25, 28, 35, 41
8 (Stylized)	12/02/03	2,787,856	5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 41

¹ Licensed from Teresa H. Earnhardt² Licensed from RDE Administrative Trust**REGISTERED EVERNHAM MARKS**

Trademark	Reg. Date	Reg. #	Classes
"E" & Design (Stylized)	4/11/2000	2,586,165	6 7 12 16 21 24 25 28 41
"E" & Design (Stylized)	9/9/2003	2,762,756	14
9 (Stylized)	4/4/2000	2,663,872	6
9 (Stylized)		2,689,409	5
9 (Stylized)	12/17/2002	2,663,872	12 14 16 21 24 25 28 41
19 (Stylized)	6/25/2002	2,586,166	12 14 16 21 24 25 28 41
19 (Stylized)	10/15/2002	2,636,322	6
EVERNHAM MOTORSPORTS	6/18/2002	2,583,268	6 12 14 16 21 24 25 28

REGISTERED RYR MARKS

Trademark	Reg. Date	Reg. #	Classes
ROBERT YATES RACING & Design (Stylized)	8/31/1993	1,790,768	41

REGISTERED OAKLEY MARKS

Trademark	Reg. Date	Reg. #	Classes
OAKLEY	1/10/1989	1,519,823	18
OAKLEY (Stylized)	1/10/1989	1,519,596	9
OAKLEY	1/24/1989	1,521,599	9
OAKLEY	1/31/1989	1,522,692	25
OAKLEY	1/16/1999	2,293,046	25
OAKLEY	11/16/1999	2,293,046	25
OAKLEY (Stylized)	8/27/85	1,356,297	9 12 25
OAKLEY (Stylized)	6/11/1996	1,980,039	9 25
O OAKLEY (Stylized)	7/30/1996	1,990,262	9 25
O	9/10/2002	2,616,423	9 28
O (Stylized)	4/1/2003	2,702,378	9 25
O (Stylized)	7/2/1996	1,984,501	25
O (Stylized)	3/24/1998	2,146,295	9
O (Stylized)	12/1/1998	2,207,455	18
O (Stylized)	12/8/1998	2,209,416	9 25
O (Stylized)	12/14/1999	2,300,245	25
O (Stylized)	2/29/2000	2,324,386	25

EXHIBIT 2
(Corrected)

UNREGISTERED MOTORSPORTS AUTHENTICS MARKS

ACTION SPORTS IMAGE
BROOKFIELD COLLECTORS GUILD
CRUZ'N CLASSICS
FAN FUELER
IMAGE WORKS
LITTLE CREW
M-CAR
OWNER'S SERIES
PERFORMANCE PLUS
PIT STOP
PREFERRED SERIES

UNREGISTERED NASCAR MARKS

CHAMPIONS WEEK
CHASE FOR THE CHAMPIONSHIP
CHASE FOR THE CUP
CHASE FOR THE NASCAR CHAMPIONSHIP
CHASE FOR THE NASCAR CUP
CHASE RACE
FOR ALL THE RIGHT REASONS
GET IN
High Banks
High Banx
NASCAR HALL OF FAME
NASCAR OUTDOORS
NASCAR PERFORMANCE NETWORK
NASCAR TIMELESS
NASCAR. Your Car
NASCAR Broadcasting
NASCAR CAFÉ & Design
NASCAR Digital Entertainment
NASCAR DRIVEN TO WIN
NASCAR Fan Club
NASCAR Images
NASCAR Knows. Now you Know.
NASCAR North
NASCAR Official Member & Design

NASCAR OUTDOORS & Design
NASCAR PRESEASON THUNDER & Design
NASCAR RACEPOINTS & Design
NASCAR STREET TOUR & Design
NASCAR Tech
NASCAR Tech Club
NASCAR Technical Institute
NASCAR TV & Design
NASCAR USA
NASCAR VIRTUAL DRIVER
ONE NIGHT. ONE WINNER. ONE MILLION DOLLARS
PACE LAP
RACEPOINTS
RACE TO THE CHASE FOR THE CUP
RACE TO THE CHASE FOR THE NASCAR CUP
SPEED IN THE CITY
THE NASCAR FOUNDATION & Design
THE RACE
The Voice of NASCAR
You've Got It Bad

UNREGISTERED SMI MARKS

SEAL OF CHAMPIONS, SPEEDWAY MOTORSPORTS, INC. and Design –
Registration Pending
THE OFFICIAL SEAL OF RACING and Design – **Registration Pending**

UNREGISTERED SPC MARKS

AMS – (registered in the state of Georgia)

UNREGISTERED ISC MARKS

A Motorsports Entertainment Company
Alabama 500
America's Ultimate Race Place
At the Speed of Light
Big and Bold
California

California Dragway
California Speedway
CLUB 24
DARE TO SIT THERE
Darlington Raceway – Where NASCAR’s Stars Earn Their Stripes
Darlington A NASCAR Tradition
Darlington stripe logo
Darlington Too Tough to Tame
DAYTONA
Daytona Continental Historics
Daytona USA Geared for Learning & Design
DUEL AT DAYTONA
EVENTDAY MEDIA
EVENT SOLUTIONS & Design
FIRE CRACKER 400
FINGER LAKES WINE FESTIVAL
FLAGS Design
Gallery of Legends
High Banks of Daytona
High Banks of Talladega
Homestead
Homestead Miami Speedway
Irish Hills
It’s All Good
Kansas
Kansas Speedway
KICKSTAND CITY
KICKSTAND CITY & Design
Live the Race
Martinsville Speedway
Michigan
MIS
Michigan Speedway
Most Competitive Track
MRN MOTOR RACING NETWORK
MRN RADIO
Nazareth
New York’s Thunder Road
Paul Revere
PAUL REVERE 250
Phoenix

PIR
Pit Road Preview
RACETICKETS.COM & Design
Racing at the Rock
RACINGONE
Racing's Tropical Paradise
Richmond
Richmond International Raceway
RIR
Richmond Raceway Complex
Solid Racing at the Rock
Speedplex
SPEEDSTOCK
SPEEDWAY PRINCESS
Speed Weeks
The 500
The Action Track
The Desert Jewel
The Rock
The Track That Will Blow You Away
The Ultimate Motorsports Attraction
Too Tough to Tame
Track Attack
Track Attack Weekend
Truxpo
Truxpo Tour
Under the Lights
Watkins Glen
Watkins Glen Grand Prix
Watkins Glen International & Design
WHERE FANS GET IT DONE
Where Guests Have ALWAYS Come First
White Knuckle Weekend
World's Biggest & Fastest Track

Event names and logos for all NASCAR NEXTEL Cup Series and Busch Grand National Series races and all associated motorsports activities during the 2006 season

UNREGISTERED RCR MARKS

29 (Stylized) – **Registration pending for Classes 16 and 18**

30 (Stylized)

31 (Stylized) – **Registration pending**

33 (Stylized)

UNREGISTERED ROUSH MARKS

Stylized Number “17” – **Registration Pending**

Stylized Number “26” – **Registration Pending**

Stylized Number “06” – **Registration Pending**

Identity, trade dress and likeness of #6 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #17 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #99 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #26 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #16 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #50 Craftsman Truck Series race car and related elements

Identity, trade dress and likeness of #99 Craftsman Truck Series race car and related elements

Identity, trade dress and likeness of #6 Craftsman Truck Series race car and related elements

Identity, trade dress and likeness of #60 Busch Series race car and related elements

Identity, trade dress and likeness of #06 Busch Series race car and related elements

Identity, trade dress and likeness of #50 Busch Series race car and related elements

Identity, trade dress and likeness of #16 Busch Series race car and related elements

Identity, trade dress and likeness of #17 Busch Series race car and related elements

Identity, trade dress and likeness of #6 Busch Series race car and related elements

UNREGISTERED JGR MARKS

Stylized "11"

Identity, trade dress and likeness of #11, #18 and #20 NEXTEL Cup race cars and any and all related uniforms, helmets, haulers, pit crews, pit wagons and equipment elements and effects, each with primary and associate sponsor logos

Licensed from Tony Stewart:

Tony Stewart likeness

Licensed from J.J. Yeley:

J.J. Yeley name and likeness

Licensed from Denny Hamlin:

Denny Hamlin name and likeness

UNREGISTERED HMI MARKS

Identity, trade dress and likeness of #5, #24, #25 and #48 NEXTEL Cup race cars and any and all related uniforms, helmets, haulers, pit crews, pit wagons and equipment elements and effects, each with primary and associate sponsor logos

Licensed from Terry Labonte, Inc.:

Terry Labonte likeness

Terry Labonte signature in any form or fashion

Licensed from Brian Vickers LLC:

Brian Vickers name

Brian Vickers likeness

Brian Vickers signature in any form or fashion

Licensed from Kyle Busch:

Kyle Busch name

Kyle Busch likeness

Kyle Busch signature in any form or fashion

Licensed from Jimmie Johnson Racing, Inc.:

Jimmie Johnson name

Jimmie Johnson likeness

UNREGISTERED JGI MARKS

Jeff Gordon likeness

Stylized "G"

UNREGISTERED RWI MARKS

Rusty Wallace likeness

Rusty Wallace signature in any form or fashion

UNREGISTERED PRS MARKS

Identity, trade dress and likeness of #2 and #12 NASCAR NEXTEL Cup race cars and any and all related uniforms, helmets, haulers, pit crews, pit wagons and equipment elements and effects, each with primary and associate sponsor logos

Licensed from Ryan Newman:

Ryan Newman likeness

Ryan Newman signature in any form or fashion

Licensed from Kurt Busch:

Kurt Busch likeness

Kurt Busch signatures in any form or fashion

UNREGISTERED DEI MARKS

DALE JR.¹

DR. DALE'S¹ – **Registration Pending**

INTIMIDATORS¹ – **Registration Pending**

KANNAPOLIS INTIMIDATORS¹ – **Registration Pending**

DALE EARNHARDT Silhouette (Design)¹ – **Registration Pending**

DALE EARNHARDT Silhouette & E (Design)¹ – **Registration Pending**

DALE EARNHARDT & Silhouette & E (Design)¹ – **Registration Pending**

THE DALE EARNHARDT FOUNDATION & Design¹ – **Registration Pending**

DALE EARNHARDT, INC. COMPASS (Design)

15 (Stylized)

RACE CAR STRIPE (Design)

Dale Earnhardt Likeness¹

Dale Earnhardt, Jr. Likeness²

Trade Dress and Likeness of the #1 Winston Cup/Nextel Cup Race Car

Trade Dress and Likeness of the #8 Winston Cup/Nextel Cup Race Car

Trade Dress and Likeness of the #15 Winston Cup/Nextel Cup Race Car

¹ Licensed from Teresa H. Earnhardt

² Licensed from JR Motorsports LLC

UNREGISTERED RYR MARKS

Stylized Number "88"

Stylized Number "38"

Stylized Number "90"

Licensed from Dale Jarrett Inc.:

Dale Jarrett Name

Dale Jarrett Likeness

Dale Jarrett Signature in any form

Licensed from Elliott Sadler Enterprises:

Elliott Sadler Name

Elliott Sadler Likeness

Elliott Sadler Signature in any form

UNREGISTERED MB2 MARKS

MB2 Motorsports

01 (Stylized Number)

14 (Stylized Number)

Licensed from Nemco Motor Sports, Inc.:

Joe Nemechek

Joe Nemechek Signature

Front Row Joe

www.frontrowjoe.com

Licensed from Sterling Marlin Enterprises:

Sterling Marlin

Sterling Marlin Signature

EXHIBIT 3**2006 NEXTEL, BUSCH AND CRAFTSMAN
SERIES ENFORCEMENT SCHEDULE**

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
03/25/06	Bristol, TN	Bristol Motor Speedway	Sharpie Mini 300
03/26/06	Bristol, TN	Bristol Motor Speedway	Food City 500
04/02/06	Martinsville, VA	Martinsville Speedway	Virginia 500
04/08/06	Forth Worth, TX	Texas Motor Speedway	O'Reilly 300
04/08/06	Forth Worth, TX	Texas Motor Speedway	Samsung/Radio Shack 500
04/21/06	Avondale, AZ	Phoenix International Raceway	Bashas' Supermarkets 200
04/22/06	Avondale, AZ	Phoenix International Raceway	Subway Fresh 500
04/29/06	Talladega, AL	Talladega Superspeedway	Aaron's 312
04/30/06	Talladega, AL	Talladega Superspeedway	Aaron's 499
05/05/06	Richmond, VA	Richmond International Raceway	Richmond 250
05/06/06	Richmond, VA	Richmond International Raceway	TBD
05/12/06	Darlington, SC	Darlington Raceway	Diamond Hill Plywood 200
05/13/06	Darlington, SC	Darlington Raceway	Dodge Charger 500
05/19/06	Concord, NC	Lowe's Motor Speedway	Quaker Steak & Lube 200

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
05/20/06	Concord, NC	Lowe's Motor Speedway	NEXTEL All-Star Challenge
05/27/06	Concord, NC	Lowe's Motor Speedway	Carquest Auto Parts 300
05/28/06	Concord, NC	Lowe's Motor Speedway	Coca-Cola 600
06/02/06	Dover, DE	Dover International Speedway	Dover 200
06/03/06	Dover, DE	Dover International Speedway	MBNA 400
06/11/06	Long Pond, PA	Pocono Raceway	Pocono 500
06/17/06	Brooklyn, MI	Michigan International Speedway	Michigan 200
06/18/06	Brooklyn, MI	Michigan International Speedway	Michigan 400
06/25/06	Sonoma, CA	Infineon Raceway	Dodge/Save Mart 350
06/30/06	Daytona Beach, FL	Daytona International Speedway	TBD
07/01/06	Daytona Beach, FL	Daytona International Speedway	Pepsi 400
07/08/06	Joilet, IL	Chicagoland Speedway	USG Durock 300
07/09/06	Joilet, IL	Chicagoland Speedway	USG Sheetrock 400
07/15/06	Loudon, NH	New Hampshire International Speedway	New England 200
07/16/06	Loudon, NH	New Hampshire International Speedway	New England 300
07/23/06	Long Pond, PA	Pocono Raceway	Pennsylvania 500

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
08/04/06	Indianapolis, IN	Indianapolis Raceway Park	Power Stroke Diesel 200
08/05/06	Indianapolis, IN	Indianapolis Raceway Park	Kroger 200
08/06/06	Indianapolis, IN	Indianapolis Motor Speedway	Allstate 400 at the Brickyard
08/12/06	Watkins Glen, NY	Watkins Glen International	TBD
08/13/06	Watkins Glen, NY	Watkins Glen International	TBD
08/19/06	Brooklyn, MI	Michigan International Speedway	Michigan 250
08/20/06	Brooklyn, MI	Michigan International Speedway	GFS Marketplace 400
08/23/06	Bristol, TN	Bristol Motor Speedway	O'Reilly Auto Parts 250
08/25/06	Bristol, TN	Bristol Motor Speedway	Food City 250
08/26/06	Bristol, TN	Bristol Motor Speedway	Sharpie 500
09/02/06	Fontana, CA	California Speedway	Ameritrust 300
09/03/06	Fontana, CA	California Speedway	Sony HD 500
09/08/06	Richmond, VA	Richmond International Raceway	Emerson Radio 250
09/09/06	Richmond, VA	Richmond International Raceway	Chevy Rock & Roll 400
09/16/06	Loudon, NH	New Hampshire International Speedway	Sylvania 200

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
09/17/06	Loudon, NH	New Hampshire International Speedway	Sylvania 300
09/23/06	Dover, DE	Dover International Speedway	Dover 200
09/24/06	Dover, DE	Dover International Speedway	Dover 400
09/30/06	Kansas City, KS	Kansas Speedway	Yellow Transportation 300
10/01/06	Kansas City, KS	Kansas Speedway	Banquet 400
10/07/06	Talladega, AL	Talladega Superspeedway	TBD
10/08/06	Talladega, AL	Talladega Superspeedway	UAW-Ford 500
10/13/06	Concord, NC	Lowe's Motor Speedway	Dollar General 300
10/14/06	Concord, NC	Lowe's Motor Speedway	Bank of America 500
10/21/06	Martinsville, VA	Martinsville Speedway	Kroger 200
10/22/06	Martinsville, VA	Martinsville Speedway	Subway 500
10/28/06	Hampton, GA	Atlanta Motor Speedway	EasyCare Vehicle Service Contracts 200
10/29/06	Hampton, GA	Atlanta Motor Speedway	Bass Pro Shops MBNA 500
11/03/06	Forth Worth, TX	Texas Motor Speedway	Silverado 350
11/04/06	Forth Worth, TX	Texas Motor Speedway	O'Reilly Challenge
11/05/06	Forth Worth, TX	Texas Motor Speedway	Dickies 500

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
11/10/06	Avondale, AZ	Phoenix International Raceway	Phoenix 150
11/11/06	Avondale, AZ	Phoenix International Raceway	Arizona.Travel 200
11/12/06	Avondale, AZ	Phoenix International Raceway	Checker Auto Parts 500
11/17/06	Homestead, FL	Homestead-Miami Speedway	Ford 200
11/18/06	Homestead, FL	Homestead-Miami Speedway	Ford 300
11/19/06	Homestead, FL	Homestead-Miami Speedway	Ford 400

EXHIBIT 4

NOTICE

Your Property Has Been Seized By Court Order.

The United States District Court for the Western District of North Carolina has ordered the seizure of goods bearing counterfeit marks which violate the rights of Motorsports Authentics, LLC, National Association For Stock Car Auto Racing, Inc., Speedway Motorsports, Inc., Speedway Properties Company, LLC, International Speedway Corporation, RCR Enterprises, LLC, Roush Corporation, Joe Gibbs Racing, Inc., Hendrick Motorsports, Inc., Jeff Gordon, Inc., Rusty Wallace, Inc., Penske Racing South, Inc., Penske Racing LLC, Dale Earnhardt, Inc., Evernham Motorsports, L.L.C., Robert Yates Racing, Inc., MB2 Motorsports, LLC, and/or Oakley, Inc.

Plaintiffs in this action will seek an order of destruction of these counterfeit marked items.

You are a Defendant in this Lawsuit.

You can contest this Lawsuit by:

1. identifying yourself. You will be issued a receipt specifying the number and kind of items seized;
2. at the time and place specified in the attached order, appearing in Court and making any claim you wish; and
3. obtaining a complete set of pleadings, motions and supporting papers in this lawsuit at no charge from Rodrick J. Enns, Esq., Enns & Archer LLP, 939 Burke Street, Winston-Salem, NC 27101

In addition to attending the hearing, you must file and serve an answer to the Complaint within twenty (20) days. YOU SHOULD CONSULT AN ATTORNEY.

FAILURE TO CONTEST THIS ACTION WILL RESULT IN FORFEITURE OF THE PROPERTY SEIZED AND COULD RESULT IN THE ENTRY OF A DEFAULT JUDGMENT PERMANENTLY ENJOINING YOU FROM SELLING MERCHANDISE THAT VIOLATES THE RIGHTS OF MOTORSPORTS AUTHENTICS, LLC, NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, INC., SPEEDWAY MOTORSPORTS, INC., SPEEDWAY PROPERTIES COMPANY, LLC, INTERNATIONAL SPEEDWAY CORPORATION, RCR ENTERPRISES, LLC, ROUSH CORPORATION, JOE GIBBS RACING, INC., HENDRICK MOTORSPORTS, INC., JEFF GORDON, INC., RUSTY WALLACE, INC., PENSKE RACING SOUTH, INC., PENSKE RACING LLC, DALE EARNHARDT, INC., EVERNHAM MOTORSPORTS, L.L.C., ROBERT YATES RACING, INC., MB2 MOTORSPORTS, LLC AND/OR OAKLEY, INC.